

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: W.D. Grover et al. Attorney Docket No.: LAMA121377
Application No.: 10/613,531 Art Unit: 2619 / Confirmation No: 4541
Filed: July 2, 2003 Examiner: W. Chu
Title: METHOD FOR DESIGN OF NETWORKS BASED ON P-CYCLES

RESPONSE AFTER NON-FINAL REJECTION

Seattle, Washington 98101

February 22, 2008

TO THE COMMISSIONER FOR PATENTS:

This paper is responsive to the Office Action mailed November 1, 2007. Applicants thank the Examiner for the indication of allowable subject matter in Claim 5. Applicants have carefully considered the cited art and the comments provided in the Office Action, and respectfully disagree with the claim rejections. Claims 1-13 are pending in the application and have not been amended. Reconsideration of the claims and allowance of the application is requested for the reasons that follow.

Claim Objection

The Office Action objected to Claim 13 under 35 C.F.R. § 1.75(c) as being of improper dependent form. Applicants request reconsideration. Claim 13 is a product-by-process claim. The courts have consistently held that a product-by-process claim, which is a product claim that defines the claimed product in terms of the process by which it is made, is proper. See *In re Luck*, 476 F.2d 650, 177 USPQ 523 (CCPA 1973); *In re Pilkington*, 411 F.2d 1345, 162 USPQ 145 (CCPA 1969); *In re Steppan*, 394 F.2d 1013, 156 USPQ 143 (CCPA 1967). See also MPEP 2173.05(p)(I).

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